IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.22032 of 2007
and
W.M.P.No.23080 of 2017

K.Venkatesan .. Petitioner

Vs.

1. The Block Development Officer,
   Office of the Block Development Officer,
   Vanur Panchayat, Villupuram District.

2. The Junior Engineer,
   Operation and Maintenance,
   Tamil Nadu Electricity Board,
   South Thiruchitrambalam,
   Vanur Panchayat,
   Villupuram District.

3. The Assistant Executive Engineer,
   Operation and Maintenance,
   Tamil Nadu Electricity Board,
   South Thiruchitrambalam,
   Vanur Panchayat,
   Villupuram District. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first respondent to consider the petitioner's representation, dated 10.07.2017 and pass necessary order permitting the petitioner to run the flour mill, namely "Sri Ganesh Flour Mill" situated at Pondy-Tindivanam Main Road, Thiruchitrambalam Kootu Road, Vanur Taluk, Villupuram District and consequently direct the respondents 2 and 3 to restore the electricity connection to the petitioner's aforesaid flour mill.

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For Petitioner : Mr.P.R.Thiruneelakandan

For Respondents : Mr.Akhil Akbar Ali, Govt. Advocate for
Mr.K.V.Dhanapalan, Spl.G.P. for R-1

Mr.Varun Kumar for RR-2 and 3

ORDER

The petitioner has come forward with this Writ Petition praying for issuance of a Writ of Mandamus to direct the first respondent to consider the petitioner's representation, dated 10.07.2017 and pass necessary order permitting the petitioner to run the flour mill, namely "Sri Ganesh Flour Mill" situated at Pondy-Tindivanam Main Road, Thiruchitrambalam Kootu Road, Vanur Taluk, Villupuram District and consequently direct the respondents 2 and 3 to restore the electricity connection to the petitioner's aforesaid flour mill.

2. The petitioner is running a small flour Mill named as Sri Ganesh Flour Mill in the said address, which is a cottage industry, grinding wet rice and chili powder. He was given upto 10HP electricity connection for the Mill. The Mill was registered with the District Industrial Centre on 24.05.2016 as well as with the Central Government under the Udyog Aadhar. Thiruchitrambalam Panchayat and the Fire Service Department have given No Objection Certificate. On complaint against the petitioner by another flour Mill, the first respondent inspected the flour mill of the petitioner and the petitioner was directed to produce Registration Certificate with the District Industrial Centre as well as the Panchayat Permission

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to run the flour mill, which were duly produced and the first respondent also directed the petitioner to produce No Objection Certificate from the Pollution Control Board and Health Department, and until then, the petitioner was directed to stop the operation of the flour mill. It is further stated by the petitioner that his flour mill was registered with the Tamil Nadu Food Safety Drug Administration of India under Food Safety Standard Authority of India and also obtained a permission from the Department of Public Health and Preventive Medicine. Since the petitioner was running only 10 HP power, without employing any man power, the Pollution Control Board does not require permission from them.

3. Enclosing all the above said certificates and permission granted by authorities, the petitioner made a representation dated 10.07.2017 to the first respondent, and in the meantime, the electricity connection was disconnected and he also sought for restoration of electricity connection by way of representation to the respondents 2 and 3. Since the said representations are pending, the petitioner has preferred this Writ Petition.

4. Heard both sides and perused the materials available on record.

5. Taking into consideration the above facts and circumstances of the case, without going into the merits of the claim made by the petitioner, this Court hereby directs the first respondent to consider the petitioner's representation, dated 10.07.2017, and hear the petitioner and other aggrieved persons, if any, including the complainants, if any against the petitioner, and

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thereafter dispose of the said representation, by passing appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. If such representation is disposed of in favour of the petitioner, then the respondents 2 and 2 shall restore the electricity connection to the petitioner's mill and till such time the said representation is disposed of, the electricity supply shall not be restored.

6. With the above observations and directions, the Writ Petition is disposed of. No costs. W.M.P. is closed.

27.10.2017

Internet: Yes/no
Speaking order / non-speaking order
cs

To
1. The Block Development Officer,
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2. The Junior Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
South Thiruchitrambalam,
Vanur Panchayat,
Villupuram District.

3. The Assistant Executive Engineer,
Operation and Maintenance,
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South Thiruchitrambalam,

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Vanur Panchayat,
Villupuram District.

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S.VAIDYANATHAN, J

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